

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Deborah S. Hunt  
Clerk

100 EAST FIFTH STREET, ROOM 540  
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Filed: September 10, 2012

**Notice of Oral Argument at 1:30 p.m. Tuesday, November 27, 2012**

Mr. Thomas A. Benson  
U.S. Department of Justice  
ENRD, EES  
P.O. Box 7611  
Washington, DC 20044

Mr. F. William Brownell  
Hunton & Williams  
2200 Pennsylvania Avenue, N.W.  
Washington, DC 20037

Re: No. 11-2328, *USA v. DTE Energy, et al*

Dear Counsel,

Your case is scheduled for oral argument at **1:30 p.m. Tuesday, November 27, 2012** before a three-judge panel of the Sixth Circuit Court of Appeals in Cincinnati, Ohio. You may learn the names of the judges sitting on the panel by checking the Court's calendar when it is posted on [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov) two weeks prior to argument.

**If you are the attorney who will argue this case, download the Oral Argument Acknowledgment form from the web site and file it electronically with the Clerk's office by September 24, 2012.** If you have been granted a waiver from ECF filing, you may mail the acknowledgment form to the Clerk's office or send it by fax, tel. (513) 564-7099. This acknowledgment form should be filed only by the attorneys who are arguing the case.

You should be aware that in preparing for the case the panel may conclude that, although the matter has been scheduled for oral argument, it will not be necessary to go forward with argument. In that event the panel will decide the appeal on the basis of the briefs and the record and a written decision will issue. Counsel will be notified that argument has been cancelled as soon as the panel has made that determination. The possibility that argument will not be held as

originally scheduled should be taken into account in making your travel arrangements, particularly in deciding whether to purchase refundable or non-refundable tickets for air travel.

An attorney who has been appointed under the Criminal Justice Act should make travel arrangements directly with National Travel, tel. (800) 445-0668. The Clerk's office has provided National Travel with the required Travel Authorization which pays for CJA travel the day before and day of oral argument. If you are a CJA appointed attorney and choose to make alternative arrangements, reimbursement will be limited to the lesser of the government rate for airfare or actual expenses.

On the day of oral argument, report to the Clerk's Office, Room 540 in the Potter Stewart United States Courthouse, at the corner of 5th and Walnut Streets in Cincinnati no later than **8:30 a.m.** if argument is scheduled for 9:00 a.m. and **1:00 p.m.** if argument is scheduled for 1:30 p.m. All times are Eastern Time. Once you enter the courthouse, you must use the elevators on the Main Street (east) side to take you to the entrance to the Clerk's office on the 5th floor.

Continuances of oral argument will be granted only in exceptional circumstances, upon the motion of counsel. Counsel is strongly discouraged from seeking continuances and, where such a request is to be made, the motion should be filed as soon as possible.

If you had previously requested oral argument but now wish to waive it, a motion to that effect should be filed with the court as soon as possible.

**Please bear in mind that neither the filing of a motion seeking a continuance of oral argument nor a motion to waive argument is self-effecting. The Court may wish to have the case argued as scheduled, and you should not assume that the filing of such a motion, absent the express approval of the court, relieves you of the obligation to appear for argument as called for.**

Sincerely yours,

s/Teresa Bertke  
Calendar Deputy

cc: Mr. Mark B. Bierbower  
Ms. Holly D. Bressett  
Mr. Makram Bassam Jaber  
Mr. Harry Margerum Johnson III  
Mr. Richard S. Moskowitz  
Mr. Harry M. Ng  
Ms. Jessie J. Rossman  
Mr. George Peter Sibley III  
Mr. Michael J. Solo Jr.  
Mr. William L. Wehrum